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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION

DONNA OSBORNE MCKENZIE

CIVIL ACTION NO. 08-0308

VERSUS

JUDGE ROBERT G. JAMES

EOG RESOURCES INC., ET AL.

MAG. JUDGE KAREN L. HAYES

MEMORANDUM ORDER

On May 7, 2008, Magistrate Judge Karen L. Hayes, *sua sponte*, issued an Order [Doc. No. 40] finding that the siblings of Plaintiff Donna Osborne McKenzie are indispensable parties to the current action under Federal Rule of Civil Procedure 19(a) and ordering McKenzie to serve them. On the same day, May 7, 2008, the Magistrate Judge also issued a Report and Recommendation on pending motions to dismiss filed by Defendant Mark G. Papa.

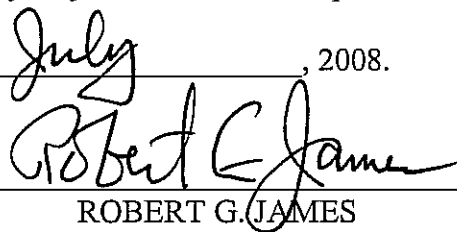
On May 13 and 14, 2008, McKenzie filed two pleadings in this matter. [Doc. Nos. 42 & 43]. The first pleading [Doc. No. 42] is not titled and refers to the Magistrate Judge's "recommendation" that McKenzie "serve [her] family." It is clear that this pleading is an appeal of the Magistrate Judge's May 7, 2008 Order, not an objection to the Magistrate Judge's Report and Recommendation. In her second filing [Doc. No. 43], titled "In Response to the Report of Recommendation," McKenzie both to the Magistrate Judge's Report and Recommendation and continues to appeal to the Court regarding the Magistrate Judge's May 7, 2008 Order. Defendants have responded [Doc. No. 44] to both of McKenzie's pleadings and agree with the Magistrate Judge in all regards.

The Court has reviewed the Magistrate Judge's May 7, 2008 Order and finds that she properly determined McKenzie's siblings to be necessary pursuant to Fed. R. Civ. P. 19(a)(1)(B). The Court further finds, pursuant to Fed. R. Civ. P. 19(a)(2), that the Magistrate Judge properly ordered their joinder. Therefore,

IT IS ORDERED that McKenzie's appeal is DENIED [Doc. No. 42], and the Magistrate Judge's May 7, 2008 Order [Doc. No. 40] is AFFIRMED. McKenzie shall have thirty (30) days from the date of this Order to have her siblings served and to file proof of service in the record. If she fails to comply with this Order, then the Court may dismiss her lawsuit without prejudice for failure to comply with the orders of this Court.

The Court understands McKenzie's apparent frustration with the litigation process in both state and federal court. She may be able to demonstrate ultimately that she has the sole interest in the rights she alleges here. However, without the presence of her siblings, the Court cannot make that determination and risks subjecting Defendant EOG Resources, Inc. to multiple or inconsistent obligations. If McKenzie wishes to pursue her action against EOG, she must comply with this Order and serve her siblings, so that they may have notice of the proceedings.

MONROE, LOUISIANA, this 18 day of July, 2008.

  
ROBERT G. JAMES

UNITED STATES DISTRICT JUDGE